

No. 11(112)79-3Lab/10465.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Shivtex Industries, N.I.T. Faridabad.

BEFORE SHRI NATHU RAM SHAKMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 351 of 1978

between

SHRI RAM KISHORE, WORKMAN AND THE MANAGEMENT OF M/S SHIVTEX INDUSTRIES
NIT, FARIDABAD

Present :—

Shri R. L. Sharma, for the workman.

Shri Mohinder Partap,, for the management.

AWARD

By order No. ID/FD/11/32-78/38254, dated 18th August, 1979, the Governor of Haryana referred the following dispute between the management of M/s Shivtex Industries, N.I.T., Faridabad, and its workman Shri Ram Kishore to this Tribunal for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of the services of Shri Ram Kishore was justified and in order ? If no to what relief is he entitled ?

On receipt of the order of reference, the notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 15th March, 1979 :—

- (1) Whether there was relation of master and servant between the parties at the relevant period ?
- (2) If issue No. 1 is proved whether termination of services of the workman was justified and in order ?
- (3) Relief.

And the case was fixed for the evidence of the workman. The workman obtained four adjournments and on the last date of hearing the representative for the workman stated that the workman was not present and he did not want to proceed with the reference. In these circumstances, I give my award that at present there is no dispute between the parties.

Dated the 23rd August, 1979.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 810, dated 29th August, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Dispute Act.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)79-3Lab/8777.—In pursuance of the provisions of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s Uttar Bharat Neal Udhyog Modern Industrial Area, Bahadurgarh.

BEFORE SHRI BABU RAM GOYAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK.

Reference No. 119 to 120, 122 & 123 of 1977
between

SARVSHRI RAM NATH-I, RAM NATH-II, SWAMI NATH & MANSA RAM, WORKMEN AND THE MANAGEMENT OF M/S. UTTAR BHARAT NEEL UDYOG MODERN INDUSTRIAL AREA, BAHADURGARH.

Present :—

Shri Rajinder Singh, for the workmen.

Shri M. M. Kaushal, for the respondent.

AWARD

This order will dispose of Reference No. 119/77, 120/77, 122/77 and 123/77, which were referred to me by the Governor of Haryana by order No. ID/RK/354-77/46476, ID/RK/354-77/46482, ID/RK/354-77/46494, & ID/RK/354-77/46500, dated 24th October, 1977 respectively between the workman Sarvshri Ram Nath-I (Reference 119/77), Ram Nath-II (Reference No. 120/77), Swami Nath (Reference No. 122/1977) and Shri Mansa Ram (Reference No. 123/77) and the management of M/s. Uttar Bharat Neel Udyog, Modern Industrial Area, Bahadurgarh in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 to determine the following issue :—

- (1) Whether the termination of service of Shri Ram Nath-I, Ram Nath-II, Swami Nath. Mansa Ram was justified and in order ? If not, to what relief are they entitled ?

On receipt of order of reference, notices were issued in all the four references in which the parties appeared and filed their pleadings and on the basis of the pleadings of the parties the following issues were framed by my learned predecessor on 14th March, 1977 :—

- (1) Whether the management concerned employed the workman purely on temporary basis for a period of six months,—vide appointment letter issued to him ?
- (2) A per reference ?

As common question of fact and law were involved in all the above four references and the workmen also belong to the same management, the cases were consolidated and proceedings recorded in reference No. 119 of 1977. After framing of issues the parties kept on obtaining adjournments and on 26th April, 1979 arrived at settlement in reference No. 119 of 1977. After some adjournments the parties arrived at a settlement in References No. 120, 122, 123 of 1977

also and on 12th July, 1979 Shri Rajinder Singh, authorised representative of the workmen in all the four reference made the following statements :—

"The workman Ram Nath-I, in respect of Reference No. 119 of 1977 has settled his claim with the management on 26th April, 1979 and he has received Rs. 500 in full and final settlement of his claim. The settlement and receipt filed in original is Ex. M-1 and M-2. In respect of Reference No. 120 of Ram Nath II the workman has settled his claim today and the management has settled his claim by paying him Rs. 1,000 as compensation in full and final settlement of claim through cheque No. 269466, dated 12th July, 1979 drawn on State Bank of India, Bahadurgarh, in the name of the workman. In respect of Reference No. 122 of 1977 Swami Nath, workman has also settled his case with the management and received cheque No. 269467, dated 12th July, 1979 for Rs. 1,000 drawn on State Bank of India, Bahadurgarh, in favour of the workman and in respect of Reference No. 123 of 1977 Mansa Ram has settled his claim with the management for Rs. 1,000,—vide Cheque No. 269468, dated 12th July, 1979 drawn on State Bank of India, Bahadurgarh. All the four workmen have received compensation in respect of termination of their service and are no longer interested in their reinstatement and no dispute award may be given in their case and the reference may be filed."

In view of the statement of authorised representative of the workmen I answer these references and give no dispute award in all the four references on the basis of their settlement and receipt of compensation from the management.

Dated the 28th July, 1979.

BABU RAM GOYAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

Endorsement No. 1875, dated 7th August, 1979.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment

Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

BABU RAM GOYAL,

Presiding Officer,

Labour Court, Haryana, Rohtak.

The 4th September, 1979.

No. 11(112)79-3Lab/10447.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad/in respect of the dispute between the workman and the management of M/s. Mahavir Metal Works (P) Ltd., Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,

PRESIDING OFFICER,

INDUSTRIAL TRIBUNAL,

HARYANA, FARIDABAD

Reference No. 116 of 1978

between

SHRI ISLAMUDDIN, WORKMAN AND THE
MANAGEMENT OF M/S. MAHAVIR METAL
WORKS (P) LTD., MATHURA ROAD,
FARIDABAD

Present :—

Shri P. K. De, for the workman.

Shri S. L. Gupta, for the management.

AWARD

By order No. ID/Fd/81-78/17310, dated the 4th May, 1978 the Governor of Haryana referred the following dispute between the management of M/s. Mahavir Metal Works (P) Ltd., Mathura Road, Faridabad and its workman Shri Islamuddin, to this Tribunal, for adjudication; in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Islamuddin was justified and in order? If not, to what relief is he entitled?”

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 2nd November, 1978:—

- *1. Whether the resignation from the workman has been obtained under duress?
2. Relief.

And the case was fixed for the evidence of the workman. The workman examined himself and closed his case. Then the case was fixed for the evidence of the management. The management examined Shri S. K. Khanna, their Manager as MW-1 and closed their case. Then the case was fixed for arguments. Arguments were heard. Now I give my findings issuewise:—

ISSUE NO. 1:

The workman stated as WW-1 that he wanted to form a union and the management charge-sheeted him falsely, of theft and planted a false case against him. He was searched at the gates and the alleged tiffin part was recovered. The management assaulted him also. He was made to sign a letter of pardon and letter of resignation forcibly under threat. The management did not report the matter to the police, rather he had reported. MW-1 stated that when the workman was to pass from the gate, Chowkidar asked him for search. The workman did not agree but the Chowkidar repeated and thereafter he was searched. A tiffin box was recovered from his lunch box which belonged to the factory. The workman then apologised telling that he had children and he wrote Ex. M-2. MW-1 told the Director that the workman had committed mistake but he should be pardoned in view of his children. Then his accounts were settled fully. The workman also told MW-1 that he shall feel shame while working with other workmen and the workman did not like to work any more and wrote Ex. M-3 also and handed over it to them. The workman admitted in his cross examination that the letter of pardon and resignation was got written from him on the date of the alleged theft. He admitted Exhibit M-1 and M-2 in his own hand. Exhibit M-1 is the letter of appointment. Exhibit W-1 is a letter from the workman to the management. Exhibit M-2 and M-3 are in the handwriting of the workman admitted by him. These are letters of pardon and resignation. No force or duress has been stated by the workman even in his own statement as WW-1. Duress is not proved. I, therefore, decide issue No. 1 against the workman.

ISSUE No. 2:

He is not entitled to any relief. While answering the reference, I give my award that the management did not terminate the services of the workman, and it was the workman who

resigned himself. The workman is not entitled to any relief.

Dated the 23rd August, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 797, dated the 29th August, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana. Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)79-3Lab/10448.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the Management of M/s Sita Singh Engineers and Sons, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 113 of 1978,

between

SHRI GULAB CHAND CHAUHAN, WORKMAN AND THE MANAGEMENT OF M/S. SITA SINGH ENGINEERS & SONS, FARIDABAD.

Present :—

Shri P. K. De, for the workman.

Shri H. R. Dua, for the management.

AWARD

By order No. ID/17267, dated 4th May, 1978 the Governor of Haryana referred the following dispute between the management of M/s. Sita Singh Engineers & Sons, Faridabad and its workman Shri Gulab Chand Chauhan, to this Tribunal,

for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Gulab Chand Chauhan was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. There were negotiations for settlement which did not materialise. The parties filed their pleadings. On the pleadings of the parties following issues were framed on 2nd November, 1978 :—

- (1) Whether the dispute did not exist at the time of the order of reference ?
- (2) Whether the termination of services of the workman was justified and in order ?
- (3) Relief.

And the case was fixed for the evidence of the management. The management examined Shri R. K. Yadav their Personnel Officer as MW-1 and closed their case. Then the case was fixed for the evidence of the workman. The workman examined himself and closed his case. Then the case was fixed for arguments. Arguments were heard.

MW-1 stated that the workman absented himself from 21st November, 1977 and did not turn up to join his duty. The management sent several letters to the workman by U.P.C. as well as by registered post, even then the workman did not appear. The workman wrote a letter to the Labour Inspector and Labour Commissioner also. They also produced photostat copies of their comments presented to the Conciliation Officer. Lastly the management struck off the name of the workman from their rolls on 1st November, 1978 after about 11 months and 10 days. On 4th January 1978 the workman had come to the factory at 12-00 noon and the management told him to wait for an hour and they shall provide him work at 1-00 p.m. Thereafter the workman left the factory and did not turn up. The workman stated that he was appointed some three years back. The management terminated his services from 23rd November, 1977. The management had agreed to take him back on duty but when he reached the gate of the factory he was not taken back on duty. In cross examination the workman admitted to have received Ex. M-1, Ex. M3. He admitted that the management had stated before the Conciliation Officer that the name of the workman was not struck off. A peon was sent by the Conciliation Officer with the

workman to the factory. He could not tell the date when his name was struck off. Ex. M-1 dated 23rd November, 1977 is a letter from the management to the workman asking him to report for duty as he was absenting from 21st November, 1977. Ex. M-3 is another letter of the management dated 25th November, 1977 advising him to report for duty within 24 hours. Similarly Ex. M-5 is the letter of the management dated 1st December, 1977 asking the workman to report for duty. Ex. M-7 is comments of the management to the Labour Officer-cum-Conciliation Officer dated 14th February, 1978 in which the management has repeated their consistent stand. Ex. M-8 is the letter of the management to the Labour Commissioner dated 24th March, 1978. Ex. M-9 are conciliation proceedings Ex. M-2, M-4 and M-6 are the photostat copies of postal receipt for registration or letters of the management and of U.P.C. There is overwhelming reliable documentary evidence of the management that it was the workman who did not report for duty and who absented himself firstly for about 1½ months and after coming on 4th January, 1978 at 12-00 noon leaving again the factory before 1-00 p.m. when the management told him to take him back on duty at 1-00 p.m. The management wanted up to November 1978 and thereafter removed his name from their rolls. The management is not at fault. The workman absented for about 11

months. He abandoned his job of his own. The management did not terminate his services. While answering the reference, I give my award that the management did not terminate the services of the workman and the workman himself abandoned his job by remaining absent for such a long time more than 11 months. The workman is not entitled to any relief.

Dated the 13th August, 1979.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 798, dated 29th August, 1979.

Forwarded (four copies) to the Secretary to Government Haryana Labour & Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

H. L. GUGNANI,

Secy.

PUBLIC HEALTH BRANCH

Draft-Notification

The 11th September, 1979

No. Bii 13053.—The gazette notification No. 4155/Bii, dated 25th March, 1979 and No. 4161/Bii, dated 26th March, 1979 published in the *Haryana Government Gazette*, Notification Part I, of April 3rd, 1979 under section 4 and 6 respectively of the Land Acquisition Act, 1894, concerning the acquisition of land for Providing Water Supply Scheme for a group of villages Bainsi, Kharak Jatan and Gugaheri Block Chiri, District Rohtak are hereby withdrawn.

No. 13059/BII.—The Gazette Notification No. 5119/B(ii), dated 13th April, 1979 and No. 5177/Bii, dated 14th April, 1979 published in the *Haryana Government Gazette* Part I, of 24th April, 1979 under section 4 and 6 respectively of the Land Acquisition Act, 1894, concerning the acquisition of land for the construction of water works in village Ghilour Kalan and Ghilour Khurd of Tehsil Gohana, District Sonapat are hereby withdrawn.

No. 13069/Bii.—The Gazette notification No. 5121/B (ii), dated 13th April, 1979 and No. 5183/B (ii), dated 14th April, 1979 published in the *Haryana Government Gazette*, Part I, of 24th April, 1979, under section 4 and 6 respectively of the Land Acquisition Act, 1894, concerning the acquisition of land for the construction of in let channel for water works in village Ghilour Kalan and Ghilour Khurd, Tehsil Gohana District Sonapat, are hereby withdrawn.

(Sd.)

Superintending Engineer,
P.W.D., Public Health Circle,
Rohtak.